

## REMARKS

Claims 1 – 29 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## DRAWINGS

The drawings stand objected to for certain informalities. Applicants have attached revised drawings for the Examiner's approval.

Figure 1 stands objected to because the reference numbers 22, 24, 26 and 28 do not appear in the written disclosure. Figure 1 has been amended to remove the reference numbers 22, 24, 26 and 28. Therefore, reconsideration and withdrawal of the objection are respectfully requested.

Figure 2 stands objected to because step 108 recites that the vent valve is closed after a stabilization period, however, the written disclosure fails to disclose the stabilization period. The specification has been amended herein to include closing the vent valve after a stabilization period. This subject-matter is supported in the figures as originally filed and no new matter has been entered. Therefore, reconsideration and withdrawal of the objection are respectfully requested.

## SPECIFICATION

The specification stands objected to for certain informalities. Applicants have amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

**AMENDMENTS TO THE DRAWINGS**

The attached "Replacement Sheet" of drawings includes changes to Figure 1.

The attached "Replacement Sheet", which includes Figure 1, replaces the original sheet including Figure 1.

Attachment: Replacement Sheet

**REJECTION UNDER 35 U.S.C. § 102**

Claims 1 – 3, 16 – 18, 23, and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Reddy et al. (U.S. Pat. No. 6,321,727). This rejection is respectfully traversed.

At the outset, Applicants note that claim 1 includes a controller that communicates with the fuel system, that detects a fuel filling event, that initiates a vapor leak test of the fuel system and that terminates the vapor leak test if a fuel filling event is detected.

Reddy et al. fails to teach or suggest detecting a fuel filling event and terminating a vapor leak test if a fueling filling event is detected. More specifically, Reddy et al. is directed toward a vapor leak test and does not disclose interrupting the vapor leak test upon detection of a fuel filling event. In fact, the vapor leak test disclosed by Reddy et al. is not enabled if a fuel filling event is detected (Col. 5, Line 60 through Col. 6, Line 5). Reddy et al. fails to teach or suggest terminating an already enabled and running vapor leak test when a fuel filling event is detected. Therefore, Reddy et al. fails to teach or suggest each of the elements of claim 1 and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2 and 3 each depend from claim 1, which defines over the prior art as discussed in detail above. Therefore, claims 2 and 3 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

Claim 16 includes generating a current vapor pressure signal for the fuel system monitoring a fuel level of a fuel tank of the fuel system and terminating the vapor leak

test if at least one of the present vapor pressure signal and the fuel level indicates a fuel filling event.

As discussed in detail above, Reddy et al. fails to teach or suggest terminating the vapor leak test a fuel filling event is indicated. More specifically, Reddy et al. discloses not enabling a vapor leak test if a fuel filling event is detected (Col. 5, Line 60 through Col. 6, Line 5). Therefore, Reddy et al. fails to teach or suggest terminating an already enabled and running vapor leak test when a fuel filling event is detected and reconsideration and withdrawal of the rejection are respectfully requested.

Claims 17, 18 and 23 each depend from claim 16, which defines over the prior art as discussed in detail above. Therefore, claims 17, 18 and 23 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

Claim 26 includes generating a vapor pressure signal for the fuel system, monitoring a fuel level of a fuel tank of the fuel system and signaling the fuel filling event if at least one of the vapor pressure signal and the fuel level indicates a fuel filling event.

Reddy et al. fails to teach or suggest signaling a fuel filling event based on at least one of a vapor pressure signal and a fuel level. More specifically, Reddy et al. discloses a routine to execute a vapor leak test. Although Reddy et al. does not enable the vapor leak test if a fuel filling event is detected (Col. 5, Line 60 through Col. 6, Line 5), Reddy et al. fails to teach or suggest the means by which such a fuel filling event is detected. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 6 – 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Otsuka et al. (U.S. Pat. No. 5,295,472). This rejection is respectfully traversed.

Claim 6 includes initiating a vapor leak test, generating a vapor pressure signal for the fuel system and terminating the vapor leak test if a difference between the vapor pressure signal and a reference vapor pressure signal is greater than a threshold value.

Otsuka et al. fails to teach or suggest terminating the vapor leak test if a difference between the vapor pressure signal and a reference vapor pressure signal is greater than a threshold value. More specifically, Otsuka et al. detects a malfunction in an evaporated fuel purge system by calculating a rate of change of a pressure within the system over a time period (Y) (see step 123 of Figure 4B and Col. 11, Lines 1 – 13). Otsuka et al. stores an initial pressure ( $P_{s2}$ ) and stores a pressure ( $P_{e2}$ ) at the end of the time period (Y). If the rate of change is greater than a threshold rate of change, a warning lamp is turned on and a fail code is stored (see steps 124 and 125 of Figure 4B and Col. 11, Lines 14 – 27). However, Otsuka et al. does not terminate the pressure monitoring routine. Instead, the pressure monitoring routine is complete (i.e., time period (Y) has expired and  $P_{e2}$  measured) and the results are processed to determine whether there is a malfunction in the purge valve system. More simply stated, Otsuka et al. discloses a malfunction test itself but fails to teach or suggest terminating the malfunction test.

In view of the foregoing, reconsideration and withdrawal of the rejection are respectfully requested.

With regard to claims 7 and 8, Applicants note that each ultimately depends from claim 6, which defines over the prior art as discussed in detail above. Therefore, claims 7 and 8 also define over the prior art and reconsideration and withdrawal of the rejections are respectfully requested.

**ALLOWABLE SUBJECT MATTER**

The Examiner states that claims 4, 5, 9 – 15, 19 – 22, 24, 25 and 27 – 29 would be allowable if rewritten in independent form. Although Applicants thank the Examiner for recognizing the allowable subject-matter of claims 4, 5, 9 – 15, 19 – 22, 24, 25 and 27 – 29, Applicants presently refrain from rewriting any of claims 4, 5, 9 – 15, 19 – 22, 24, 25 and 27 – 29 in independent form in view of the remarks set forth above.

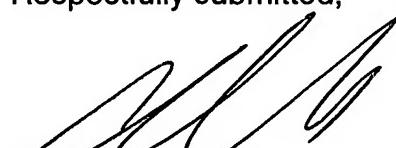
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (313) 665-4969.

Dated: 10/11/04

Respectfully submitted,

By:

  
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